

PLANNED DEVELOPMENT PERMIT

FILE NO.	PD14-004
LOCATION OF PROPERTY	100 Skyway Drive
ZONING DISTRICT	A(PD) Planned Development
GENERAL PLAN DESIGNATION	Public/Quasi-Public
PROPOSED USE	Planned Development Permit to allow: 1) increased student population from 1,300 to 2,300 students; 2) allow inbound school bus access on Diamond Heights Drive; 3) remove a requirement for a transportation mitigation measure at Skyway Drive and Monterey Road; and 4) modify Santa Clara Valley dudleya plant mitigation measures at an existing private high school (Valley Christian) on a 56.2 gross acres site
ENVIRONMENTAL STATUS	Reuse of the Valley Christian Schools EIR
OWNER/APPLICANT	Valley Christian Schools 100 Skyway Drive San Jose, California 95111

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Site Description and Surrounding Uses.** The school, which has been in operation on the subject site since 2000, is located at the easterly terminus of Skyway Drive along a ridgeline between Monterey Road and Senter Road west of Diamond Heights Drive. The site is currently developed with classroom and administration buildings, sports and maintenance facilities, and surface parking. Landscaping is planted and maintained around buildings and parking areas. Open grassland in designated protected areas are located along the side slopes of the ridge. The site is primarily surrounded by residential neighborhoods with single-family detached residences to the north, south, east and west. A mobile home park, a City of San Jose fire station, corporation yard, and public park (Danna Rock) are also located to the south of the school.
2. **Project Description.** The Valley Christian Planned Development Rezoning, File Number PDC12-012 (Ordinance No. 29370) was adopted on January 28, 2014 and allowed for modifications to the previously approved Planned Development Zoning of the school (File No. PDC10-009). The modifications approved by the rezoning do not include any new construction and will be implemented by the subject permit and include:
 - a. *Increased student population.* Increased student population from 1,300 students to 2,300 K-12 students. The proposed increase would be accommodated by existing facilities or in conjunction with future construction of new facilities.

- b. *Inbound school bus access on Diamond Heights Drive.* Inbound school bus access on Diamond Heights Drive with outbound school buses continuing to use Skyway Drive. A metal gate with remote control access will be installed on Diamond Heights Drive.
 - c. *Removal/Modification of a transportation mitigation measure.* Modify the existing mitigation measure requiring the addition of a second left-turn lane on southbound Monterey Road at Skyway Drive to instead extend the length of the existing left-turn pocket instead of adding a second left-turn lane.
 - d. *Modification of dudleya mitigation measures.* Off-site mitigation through payment of the Santa Clara Valley Habitat Plan (HCP) fee for direct impacts to 2.6 acres of serpentine habitat.
3. **General Plan.** The subject site has an Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation of Public/Quasi-Public. Private school uses are allowed in this designation. In addition, the proposed school is consistent with and facilitates implementation of the General Plan's Education Goal (ES-1): "Promote the operation of high-quality educational facilities throughout San Jose as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership."
4. **Zoning Conformance.** The proposed project conforms to the approved General Development Plan of the Planned Development Zoning.
5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
- a. An Environmental Impact Report, "Valley Christian Schools", was prepared for this project and certified on January 28, 2014, pursuant to the provisions of CEQA (Resolution No. 76915).
6. **Planned Development Permit Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Planned Development Permit.
- a. The planned development permit, as issued, furthers the policies of the general plan in that the subject site has an Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation of Public/Quasi-Public. Private school uses are allowed in this designation. In addition, the proposed school is consistent with and facilitates implementation of the General Plan's Education Goal (ES-1): "Promote the operation of high-quality educational facilities throughout San Jose as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership."
 - b. The planned development permit, as issued, conforms in all respects to the planned development zoning of the property in that it would effectuate the approved Planned Development Zoning (File No. PDC12-012) with no new construction proposed.
 - c. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious in that no new construction is proposed with this permit.

- d. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties in that an Environmental Impact Report, "Valley Christian Schools", was prepared for this project and certified on January 28, 2014, pursuant to the provisions of CEQA (Resolution No. 76915).

In accordance with the findings set forth above, a Planned Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional

Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

5. **Conformance to Plans.** The development of the site shall conform to the approved Planned Development plans entitled, "Planned Development Permit Valley Christian Schools" dated July 31, 2013 on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
6. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
7. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
8. **Revocation.** This Permit is subject to revocation for violation of any of its provisions or conditions.
9. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
10. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
12. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
13. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
14. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
15. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
16. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
17. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.

18. **Conformance to MMRP.** This project shall conform to all applicable requirements of the Mitigation Monitoring and Reporting Program approved for this development.

a. **Traffic** (The Director of Planning, Building and Code Enforcement (PBCE), the Director of the San Jose Department of Public Works (DPW), and the Director of the Department of Transportation (DOT)).

i. **MM TR-1.1: Transportation Demand Management (TDM) Program** Valley Christian Schools (VCS) will continue to employ Transportation Demand Management (TDM) strategies to reduce the number of vehicles accessing the school site, reduce the queue that forms on Skyway Drive at the beginning and end of each school day, and to alleviate traffic congestion and parking demand on-site. These TDM measures will include, but are not limited to:

- 1) providing off-site parking with free shuttles to the school site
- 2) providing priority parking for carpools
- 3) providing long-range shuttles to locations near the homes of students
- 4) providing carpool incentives
- 5) providing staggered school start times
- 6) restricting parking permit availability

The TDM program, associated monitoring, and any modifications to the program shall be subject to review by the City of San José Department of Public Works and Department of Transportation, as outlined in mitigation measures (MM TR-1.2 – 1.6) below.

ii. **MM TR-1.2: Trip Reduction** Blossom Hill Road/SR 85 Southbound Ramps Trip Reduction: The Blossom Hill Road and SR 85 Southbound Ramps intersection operates unacceptably under Background and Project Conditions in the AM peak hour. Reducing the number of AM peak hour project trips added to the intersection can mitigate the impact. This can be accomplished by a variety of actions implemented individually or in combination: limiting the number of students in the affected zip codes, increasing carpool and/or shuttle bus ridership in the area by adding new routes and/or new stops, and/or changing project trip travel routes. The amount of project traffic added to the intersection during the AM peak hour is required to decreased from 69 trips to 45 trips (a reduction of 24 trips) to reduce the impact to a less-than-significant level. Several of these actions are outlined below.

- 1) **Limiting Number of Student in Affected Zip Codes:** Limiting the number of students within the Blossom Hill Road/SR 85 Southbound Ramps catchment area could reduce the projected vehicle trips during the AM peak hour. The limit on the total enrolled students in the selected zip codes would not result in any secondary impacts because the enrollment shift would occur in a dispersed pattern and, therefore, would not add substantially more traffic to any individual intersection.
- 2) **New Shuttle Routes and/or Stops:** VCS is required to provide a new shuttle bus stop for the Blossom Hill Road/SR85 Southbound Ramps catchment area. Locations may include: at the Santa Clara Valley Transportation Authority (VTA) park-n-ride lot near the interchange of SR 85 with Camden Avenue, the shopping center parking lot near the interchange of SR 85 with Almaden

Expressway, the Almaden Lake park parking lot on Almaden Expressway near Coleman Road, and/or The VTA park-n-ride lot near the Santa Teresa Boulevard/SR 87 interchange. At least two morning pick-up times are required. The new shuttle bus stop could be discontinued in the event it is not needed to meet trip reduction requirements, upon approval of the Director of Public Works.

- iii. **MM TR-1.3: Trip Reduction Monitoring Program** The mitigation monitoring program will commence during the 2013/2014 school year. An independent city-approved transportation planning/engineering firm will be retained to conduct the monitoring efforts. The Trip Reduction Monitoring Program will be comprised of two elements:

- 1) Driveway traffic (vehicle and bus) counts on Skyway Drive and Diamond Heights Drive (to be conducted by an independent count vendor), and
- 2) An assessment of the amount of project traffic added to the intersection of Blossom Hill Road/SR 85 southbound ramps.

The details for the driveway counts and Blossom Hill Road/SR 85 assessment element are outlined below.

TDM Program Monitoring Frequency and Conditions: The driveway counts (and shuttle bus counts, if required) will be conducted twice a year, once in the fall (between mid-September and mid-November) and once in the spring (between mid-January and mid-March). The data will be collected on three midweek weekdays (Tuesday, Wednesday, Thursday) over a two-week period during each monitoring season. The data collection activities shall avoid days immediately before or after holidays or long weekends, and will not be completed on days with special events or inclement weather conditions. The surveys will be conducted without prior notice to Valley Christian staff, to ensure that the results are unbiased.

VCS may elect to collect more frequent shuttle bus ridership information independently to track ridership trends and make adjustments (such as changes to bus routings, bus frequencies, and stop locations) between monitoring counts to ensure the necessary ridership levels are being achieved.

Driveway Counts: Counts on Skyway Drive and Diamond Heights Drive are required to be conducted from 7:00 AM to 9:00 AM with inbound and outbound volumes reported in 15-minute intervals. The results will be averaged.

Blossom Hill Road/SR 85 Trip Reduction Assessment: The assessment of the amount of project traffic added to the intersection of Blossom Hill Road/SR 85 southbound ramps is a multi-tiered mitigation requirement, described below:

- 3) Step 1: VCS is required to provide a letter to the City of San Jose Planning Director by September 5th of each school year stating the total number of enrolled junior high and high school students and the total number of junior high and high school students residing in zip codes 94022, 94024, 95008, 95014, 95030, 95032, 94033, 95070, 95124, 95129, and 95130. If the number from the specified zip codes is less than 390, the assessment is considered complete. If not, Step 2 is required.

1. The new shuttle bus stop could be discontinued upon approval of the Director of Public Works, if the total enrolled students within the specified zip codes is under 390.
 2. For conditions where enrollment in these zip codes is 390 or less, the total number of private passenger vehicle and bus trips entering the school during the AM peak hours (as determined by driveway counts) will not exceed 947.
- 4) Step 2: The independent monitoring firm will conduct counts of students riding the morning shuttle buses serving zip codes 94022, 94024, 95008, 95014, 95030, 95032, 94033, 95070, 95124, 95129, and 95130. The counts will be conducted without prior notice to VCS staff, to ensure that the results are unbiased.
1. Shuttle Ridership Counts Procedure: Data collection personnel will go to the shuttle bus stops in the SR 85/Blossom Hill Road catchment area and count the number of students boarding the shuttle buses between 6:00 AM to 9:00 AM in 15-minute intervals. The results will be averaged.
- If the ridership is greater than 180, the assessment is considered complete. If not, Step 3 is required.
- 5) Step 3: Step 3 is a combination of Steps 1 and 2 and takes into consideration both the number of students residing in and the shuttle bus ridership from zip codes 94022, 94024, 95008, 95014, 95030, 95032, 94033, 95070, 95124, 95129, and 95130. The maximum numbers of students residing in the areas and the corresponding numbers of shuttle riders needed to mitigate the impact are summarized in Table MM TR-1. If the corresponding shuttle bus numbers in the table are met, the assessment is considered complete. If the shuttle bus values in the table are not met, Step 4 is required.

Table MM-TR-1: Students and Shuttle Rider Requirements	
Student Enrollment in Selected Zip Codes	Corresponding Shuttle Bus Ridership (minimum)
390	110
400	120
410	130
420	140
430	150
440	160
450	170
460 or more	180

1. If a combination of Steps 1 and 2 is applied, then the total number of vehicles and buses entering the school during the driveway counts during the AM peak hour will not exceed 923.
- 6) Step 4: In Step 4, the independent monitoring firm, in conjunction with the school, will conduct a survey of the students in the above selected zip codes. The survey will ascertain the modes students use to travel to school (shuttle bus, 2-person carpool, 3+ person carpool, drive alone, etc.) and the routes used to travel to the school site in the morning. The monitoring firm will use this information to determine the number of school vehicle trips added to the intersection during the AM peak hour. The number of total trips must be less than 135 trips (90 for the student enrollment up to 1,300 and 45 for the added 1,000 students).
 1. Travel Characteristics Survey: The travel characteristics survey can be conducted using a web-based tool, such as Survey Monkey, a mail-in questionnaire, or via telephone interviews. The survey questions and format must be approved by the Director of Public Works or their designee prior to distribution. A response rate of 35 percent or more of the students residing in the selected zip codes is required for the survey responses to be deemed valid.
- iv. **MM-TR-1.4: Required TDM Program Reporting** Monitoring Report: The results of the monitoring program will be presented in a written report. This would include the number of enrolled students, a list of TDM measures provided by VCS, the results of the driveway counts, the number of students residing in the selected zip codes, the shuttle ridership counts (if needed), the results of the surveys (if needed), and whether the trip reduction requirement is met.

The Monitoring Reports will be all submitted to the City of San José Planning Department - Environmental Review Section and coordinated with the Departments of Public Works and Transportation, twice a year after each monitoring period in the fall by December 15 and in the spring by April 15.

Monitoring Program Funding: VCS will pay the City for the annual monitoring costs including the cost to conduct monitoring and City staff time to review the monitoring reports.
- v. **MM-TR-1.5: Modification to TDM Program if other Mitigation is Provided** In the event mitigation for all traffic impacts in conformance with the City's Transportation Policies to the intersection of Blossom Hill Road/SR 85 Southbound Ramps are made in the future (e.g., physical improvements are made at the intersection), trip reduction monitoring could be discontinued upon approval of the Director of Public Works.
- vi. **MM TR-1.6: Contingency if TDM Program is Ineffective** The City will notify Valley Christian Schools if it is not in compliance with the trip reduction requirement. If Valley Christian Schools is out of compliance, they would be required to:
 - 1) Reduce enrollment the next academic year to a level determined by the City of San Jose's Planning Director and based on the following equations:
 1. Reduced enrollment = $2,300 - [(p - 390) + (180 - s) - c]$; or
 2. Reduced enrollment = $2,300 - (135 - t)/0.35$

Where: p = student enrollment in selected zip codes. s = shuttle ridership from selected zip codes, c = added carpools from selected zones, t = vehicles generated by Valley Christian's Skyway campus traveling through Blossom Hill Road / SR 85 southbound ramps intersection during the period before school starts, and

- 2) The school population will not be allowed to subsequently increase until compliance is demonstrated over a two-year period, or
 - 3) Construct physical improvements at the intersection of Blossom Hill Road/SR 85 Southbound Ramps.
- vii. **MM C-TRAN-1:** Implementation of transportation mitigation measures MM TRAN-1.1 through MM TRAN-1.6, outlined above, would reduce the project's contribution to the significant cumulative impacts at these intersections to a less than significant level.
- b. **Biology** (Director of PBCE).

VCS will mitigate its impacts to Santa Clara Valley dudleya plants through one of the following options, or a combination of the options, which the applicant must choose prior to issuance of the Planned Development Permit:

Option 1: Purchase and management of off-site mitigation lands (the current contingency measure).

Option 2: Off-site mitigation through participation in the Santa Clara Valley Habitat Plan ("HCP"), specifically, by payment of the HCP fee for direct impacts to 2.6 acres of serpentine habitat. This acreage is based on 1.3 acres of impact with mitigation at a 2:1 ratio in view of the temporal loss of dudleya plants over the years since failure of the dudleya relocation.

Option 3: On-site dudleya population enhancement and restoration.

Protocols for the implementation are outlined in Section 2.3.4.2 of the DEIR.

19. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This permit file number, PD14-004, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
20. **Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, and is subject to the following requirements to the satisfaction of the Director of Public Works:
- a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

b. Transportation:

- i. A Traffic Impact Analysis has been performed for this project based on 1,000 new students (an increase from 1,300 to 2,300 students) with corresponding 640 AM and 280 PM peak hour trips resulting in a level of service impact at the intersection of Blossom Hill Road and State Route 85 southbound ramps. The project is proposing to mitigate the traffic impact by reducing the amount of project traffic added to the intersection. This is being accomplished through a variety of methods including:
- ii. Limiting the number of students that reside in the zip codes that travel through the impacted intersection.
- iii. Expanding the school's Traffic Demand Management (TDM) Program by increasing carpool use, and/or student shuttles, and/or changing project trip travel routes to parallel roadways with sufficient capacity.
- iv. Per Section 3.2, Transportation of the 2nd Administrative Draft EIR, in order to implement the TDM Plan, the project is required to submit a Trip Reduction Monitoring Program which is prepared by an independent transportation planning firm who will monitor project traffic on Skyway Drive as well as at Blossom Hill Road and State Route 85. The monitoring will occur twice a year (once in the Fall and once in the Spring) and an annual report shall be submitted to the City of San Jose Planning Division's Environmental Review Section. The City will notify the school if there are non-compliance issues and the project will be required to modify the existing TDM or implement new measures to decrease vehicle traffic. If the project is still non-compliant after implementation of the new measures, the project will be required to reduce enrollment the next academic year to a level determined by the City's Planning Director. The school population will not be allowed to increase until compliance is demonstrated for a period of two (2) years. If the project is still non-compliant after implementation of the second set of measures, the project will be required to construct physical traffic improvements at the intersection of Blossom Hill Road and State Route 85. All monitoring costs including City staff review time will be at the sole expense of the school.
- v. The first annual monitoring report shall be submitted to the City of San Jose Planning Division's Environmental Review Section on May 1, 2015.

c. Geology/Grading:

- i. A grading permit may be required if the project improves the private portion of Diamond Heights Drive (see comment #9 for additional information). Grading work on this private portion of the road, where the project has ingress and egress easement rights, may require permission from the underlying property owner.
- ii. All new or modified on-site storm drainage conveyance facilities and new or modified earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.

- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- iv. If the project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges. If the pavement replacement within the private portion of Diamond Heights Drive will create and/or replace more than 10,000 s.f. of impervious surfaces, a Planning Permit Amendment must be filed with the Planning Division and submit the following:
 - i. Completed Project Data Form and Screening Worksheet. These worksheets may be found at the Planning website located at:
<http://stormwater.sanjoseca.gov/planning/stormwater//>.
 - ii. Stormwater Control Plan showing the location and function of all post-construction treatment control measures; all trees eligible for post-construction treatment control credits.
 - iii. Numeric sizing calculations based on the Stormwater Control Plan, prepared by a qualified stormwater professional (civil engineer, licensed architect or landscape architect), used to determine runoff quantity and to design/select the post-construction treatment control measures
 - iv. Inspection and maintenance information on the post-construction treatment control measures.
- e. **Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area. If the project will create and/or replace one acre or more of impervious surface, it must comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) which requires HM projects to demonstrate that post-project runoff does not exceed estimated pre-project runoff rates and durations. If applicable, the applicant may need to submit a Planning Permit Amendment to the Planning Division and submit the following:
 - i. HM plan and sizing calculations.
 - ii. Final inspection and maintenance information for the HM controls. This must be included on the final HM plans.
- f. **Flood: Zone D** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

- g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- h. **Street Improvements:**
 - i. Within six months of Planning Permit Approval Developer shall submit to the Department of Public Works, Development Services Division the following:
 - 1) A Geotechnical Evaluation/Engineering Analysis of the existing pavement conditions along the public right-of-way portion of Diamond Heights Drive. The evaluation should include asphalt pavement repair recommendations to determine the scope of public improvements.
 - 2) Public Improvement plans that include the following:
 - 1. Repair or reconstruction of asphalt pavement along the existing public right-of-way portion of this road will be required as identified in the geotechnical evaluation.
 - 2. Extension of the southbound, left-turn pocket at Monterey Highway and Skyway Drive by a minimum of 75 feet to provide at least 325 feet of vehicle storage.
 - ii. The existing pavement at the intersection of Diamond Heights Drive and Senter Road will be evaluated with the street improvement plans and any necessary pavement restoration and additional street improvements will be included as part of the final street improvement plans.
 - iii. The previous requirement to modify Skyway Drive at the top of the hill to terminate in a cul-de-sac will be required at implementation of the future building located south of the sports fields and will be included in the Public Works condition of the subsequent Planning Permit.
 - iv. Improvement of the public streets to the satisfaction of the Director of Public Works.
- i. **Private Street (Diamond Heights Drive):** Public Works is also recommending the Geotechnical Evaluation of the private portion of Diamond Heights Drive for potential repair or reconstruction as necessary. If warranted, a Geologic Hazards Clearance may be required for this work.
- j. **Minor Median Island Improvements:** Modify the existing landscaped median on Monterey Highway which is a result of the required extension of the southbound, left-turn pocket at Monterey Highway and Skyway Drive and reconstruct Type 1 landscaped median per City standards. These improvements may include, but are not limited to, removal and installation of trees, relocation of irrigation mains and laterals. Retain landscape architect to prepare Landscape Improvement Plans; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects".
- k. **Street Vacation:** Prior to the City's consideration of the vacation of Diamond Heights Drive, the applicant shall resolve the ingress and egress easement rights with the underlying property owner.
- l. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.

21. Revocation, Suspension, Modification. This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **6th day of August, 2014.**

Harry Freitas, Director
Planning, Building, and Code Enforcement

Deputy